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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,235	03/19/2001	Franklin Goodhue Woodward	WVANP012	3417
34071	7590	09/20/2005	EXAMINER	
IPVENTURE, INC. 5150 EL CAMINO REAL SUITE A-22 LOS ALTOS, CA 94022			JASMIN, LYNDIA C	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,235

Applicant(s)

WOODWARD ET AL.

Examiner

Lynda Jasmin

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-36 and 61-90 is/are pending in the application.
- 4a) Of the above claim(s) 78-90 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-36 and 61-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/30/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 30, 2005 has been entered.

Amendment received on May 31, 2005 has been acknowledged.

Information Disclosure Statement

2. Due to extremely voluminous prior art citation by the applicant, the examiner has only given each reference a cursory review.

Applicants are invited to provide comments regarding the most relevant pieces of prior art including how the claims of the instant application are patentable over those relevant pieces.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breen, Jr. et al. (6,598,027 B1), in view of Tracy (5,979,757).

Breen, Jr. et al. al discloses a system and method for implementing e-commerce transactions via a network (20) comprising: identifying a regulated item that satisfies one or more predetermined criteria, indicating that the item is prohibited from being purchased by the customer (see col. 1, lines 15-57), the one or more predetermined criteria corresponding to at least one regulation which restricts sales of the regulated item to persons in a particular jurisdiction (see Fig. 7; col. 10, lines 25-27), and taking action other than or in addition to presenting a notification message, to prevent the purchase of the regulated item (see block 245) via the data network by the customer in accordance with the at least one regulation (see Figures 1 and 3). The action comprises steps to prevent completion of checkout (see col. 10, lines 16-36; via disallowing the transaction). Breen, Jr. et al further disclose an inventory subsystem (16b), a customer interface (12), and an order fulfillment subsystem (23).

However, Breen et al. fails to explicitly disclose the at least one regulation restricts sales of the related item during at least one specific day.

Tracy discloses a checkout system that automatically prohibits the sale of items during specific days (via alcoholic beverages not sold on Sundays). Tracy further discloses that the regulated item corresponds to a class of regulated products (such as alcoholic beverage). Tracy also discloses that the one or more predetermined criteria correspond to restrict sales to persons under minimum age (col. 13, line 57 through col. 14, line 2).

Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the purchase of regulated items of Breen, Jr. to include the informing that selected item is a restricted item and cannot be purchased by the customer at that time as taught by Tracy et al. in order to ensure that the system complies with existing laws.

5. Claims 16, 17, 21, 23, 24, 27, 28, 30, 31, 35, 61-63, 67 and 69-72, and 73-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breen, Jr. et al. (6,598,027 B1), in view of Knowles et al. (2003/0079227 A1).

Breen, Jr. et al. al discloses a system and method for implementing e-commerce transactions via a network (20) comprising: identifying a regulated item that satisfies a predetermined criteria, wherein the predetermined criteria indicates that the item is prohibited from being purchased by the customer (see col. 1, lines 15-57); and taking action to prevent the purchase of the regulated item (via block 245). The action is automatically implemented by a system server (see Figures 1 and 3). The predetermined criteria include a regulation parameter that corresponds to regulations that restrict sales and deliveries to a particular jurisdiction (see Fig. 7). The action comprises steps to prevent completion of checkout (see col. 10, lines 16-36). Breen, Jr. et al. further disclose an inventory subsystem (16b), a customer interface (12), and an order fulfillment subsystem (23). However, Breen et al. fails to explicitly disclose modifying a display of items available for purchase by the customer by restricting display of items, which are prohibited from being purchased by the customer.

Knowles et al. discloses the concept of having an interactive system including viewing rights of different user. Knowles discloses having an interactive program guide (IPG) system which includes a parental control feature that allows the user to block TV viewing. For example, the user can lock entire channels; lock the IPG entirely, so that no functions may be used; and limit Interactive Pay Per View (IPPV) purchasing. Knowles further discloses that a first IPG being viewed by a first user can display data added or modified via a second IPG by a second user of the system. Wherein, the data added or modified by the second user can influence the viewing rights of the first user. Knowles further discloses that a user can lock entire channels, lock the IPG entirely, so that no functions may be used, and limit Interactive Pay Per View (IPPV) purchasing.

From this teaching of Knowles, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the e-commerce transaction of Breen, Jr. et al. to include the viewing rights including restricted purchase items of taught by Knowles et al. in order to prevent users from viewing and purchasing restricted goods and services such as pay-per-view purchasing.

As per preventing the customer from adding/removing an item to/from a cart, Breen, Jr. et al. teaches a registration process for potential buyers (see Fig. 10A-F) and a login screen for allowing users to enter a "Secured For Trade" portion of the web site (Fig. 11). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to only display items for which a person is authorized to purchase for security purposes. Alternatively, it would have been obvious to one of ordinary skill in the art at the time the invention was made to prevent a customer from

Art Unit: 3627

adding a restricted item to his cart, or removing such an item from his cart to facilitate checkout.

6. Claims 18-20, 22, 25-27, 29, 32-34, 36, 64-66 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breen, Jr. et al., in view of Knowles et al., and further in view of Tracy et al.

The Brent et al. and Knowles combination discloses all of the limitations of the claimed invention but fails to explicitly disclose regulations restricting sales of the regulated item during specific time period and/or days and to persons under a minimum age.

Tracy discloses a checkout system that automatically prohibits the sale of items during specific days (via alcoholic beverages not sold on Sundays). Tracy further discloses that the regulated item corresponds to a class of regulated products (such as alcoholic beverage). Tracy also discloses that the one or more predetermined criteria correspond to restrict sales to persons under minimum age (col. 13, line 57 through col. 14, line 2).

Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the purchase of regulated items of the Breen, Jr. and Knowles combination to include the informing that selected item is a restricted item and cannot be purchased by the customer at that time as taught by Tracy et al. in order to ensure that the system complies with existing laws.

Response to Arguments

7. Applicant's arguments filed May 31, 2005 have been fully considered but they are partially not persuasive.

Applicants first argue "Tracy fails to teach or suggest that the purchase or delivery of the restricted item is in any way prevented in a computer-implemented manner during specific days. The Examiner respectfully disagrees. Tracy discloses the concept of "a central host programmed to inform customers that a selected item is a restricted item and cannot be purchased by the consumer at that time," and gives example of alcohol beverages that may not be sold on Sundays in some states.

Further, Applicants argues "the specifics of presenting a message about the restriction in Tracy et al. may even teach against preventing delivery or purchase of restricted items. Moreover, the action taken by the method of claim 1 is in addition to or other than presenting a notification message." The Examiner respectfully disagrees.

The Examiner notes that Tracy et al. discloses:

"Similarly, if a customer who is below the minimum drinking age attempts to purchase an article of alcohol, they will be reminded of the drinking age and a notice will be provided to the local service attendant upon an attempted payment that a person of unknown or insufficient age has attempted to buy an age restricted item."

Thus, action is taking in Tracy et al. by alerting the cashier of the restricted attempt to buy. However, Tracy et al. was not relying upon for this feature in the Office Action. Therefore, the rejection of claim 1 has not been withdrawn.

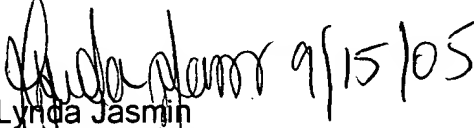
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lewis discloses a system that creates a transaction or commercial zone for data to be received, manipulated, stored, retrieved, and accessed by a user, utilizing one or more data feeds from various sources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
Art Unit 3627